IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER

TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE V.V.S. RAO**

**WRIT PETITION NO: 9832 OF 2001**

Between:

Itapu Santhosh Kumar, S/o.I.Sai Baba,

Being minor, rep. by his natural father and guardian

I.Saibaba, Advocate, R/o.1-7-12/1, Street No.8,

Hubsiguda, Hyderabad.

**….. PETITIONER**

AND

1. The Government Examinations, rep. by its Director,

Gunfoundry, Abids, Hyderabad.

2. The Board of Secondary Education,

rep. by its Secretary, Government of A.P., Hyderabad.

**….. RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus or any appropriate Writ, order or direction declaring the action of the respondents in not revaluing the petitioner's SSC Examination in Hindi subject, is highly illegal and contrary to Article 14 of the Constitution of India and consequently direct the respondents to revalue the petitioner's SSC Examination paper in Hindi subject bearing Hall Ticket No.0742218 in the presence of petitioner and his parents along with Hindi Teacher and issue fresh marks memo on or before 18-5-2001 or any other earliest date to submit application to join in Junior College on or before 19-5-2001.

**Counsel for the Petitioner: MR. CH.DHANAMJAYA**

**Counsel for Respondents: GOVERNMENT PLEADER FOR SCHOOL EDUCATION**

**The Court made the following ORDER:**

The petitioner appeared for X Class (S.S.C) examinations in March, 2001 with Hall Ticket No.0742218. He was declared 'failed' as he got only 17 marks in Hindi. Therefore, the petitioner applied for revaluation as well as recounting. The revaluation was not done. The present writ petition is filed seeking a direction to the respondents to revalue the petitioner's Hindi examination paper in the presence of the petitioner.

This Court, while admitting the writ petition, passed interim orders on 16-05-2001 in W.P.M.P.No.12365 of 2001 directing the second respondent to consider the request of the petitioner for recounting of the answer sheets as a special case in the presence of the petitioner.

It is now brought to the notice of this Court that there was a mistake in computer tabulation and that after recounting, the mistake was rectified and the petitioner was awarded '77' marks in Hindi. In that view of the matter, nothing survives in the writ petition.

The learned Counsel for the petitioner, however, placed reliance on a judgment of the Division Bench of this Court in ***G.S.Ravi Kiran vs. Board of Secondary Education and others*** and submit that though this Court observed that proper rules should be made for revaluation of answer scripts to mitigate hot cases, no such rules were made and if only rules had been made the petitioner and petitioner's family would not have suffered again.

After perusing the above-cited judgment, it is not possible to conclude that a Mandamus has gone to the respondents. Indeed, it is axiomatic that this Court in exercise of judicial review, cannot issue any direction to either legislative or delegated legislative authority to make law or rules. Therefore, the decision is of no assistance. As the writ petitioner got sufficient redressal, no orders are necessary.

The writ petition is, accordingly, dismissed as infructuous.
No costs.

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**V.V.S. RAO, J**

November 10, 2004.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Director, Government Examinations,

Gunfoundry, Abids, Hyderabad.

2. The Secretary, Board of Secondary Education,

Government of A.P., Hyderabad.

3. Two CCs to the Government Pleader for School Education,

High Court Buildings, Hyderabad (O.U.T).

4. Two CD copies.